HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO.26541 OF 2007

DATE:13.12.2007

Between:

Palaparthi Ravi Vara Prasad

..... PETITIONER

AND

The Revenue Divisional Officer,
Gudivada, Krishna District & another.

.....RESPONDENTS

HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P. No.26541 OF 2007

ORDER:

In view of the pendency of the appeal preferred by the petitioner, this Writ Petition is disposed of at the admission stage.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner claims to be the owner and possessor of the land covered by R.S.Nos.69/2, 68/5 and 256/3, totally admeasuring Ac.4.09 cents, situated at Polukonda Village, Nandivada Mandal, Krishna District. It is stated that the said land was purchased from the earlier owners during the year 2005-2006. The Tahasildar, Nandivada Mandal passed eviction order dated 13.10.2007 vide proceedings in Rc.B.95/2007 in exercise of powers under Section 6(2) of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). It is stated that as against the order of eviction, the petitioner preferred an appeal along with an application for stay on 06.11.2007 before the first respondent-appellant authority as provided under Section 4(a) of the Act. It is the grievance of the petitioner that in spite of such an application for interim orders, no orders have been passed and on the other hand, steps have been taken to dispossess him from the land in question. It is submitted by learned counsel for the petitioner that the land in question is not at all an assigned land and the eviction order is passed illegally and arbitrarily.

In view of pendency of the appeal before the first respondent-appellate authority, it is for the appellate authority to consider the plea of the petitioner on its own merits. Inasmuch as appeal is pending

before the first respondent, it is not desirable for this Court to record any findings on the submissions made by the learned counsel for the petitioner.

Inasmuch as it is submitted that statutory appeal filed by the petitioner is pending consideration, this Writ Petition is disposed of directing the first respondent-appellate authority to dispose of the appeal as expeditiously as possible. Further, the respondents are directed not to enforce the order dated 13.10.2007 passed by the second respondent in Rc.B.95/2007 and there shall be further direction to allow the petitioner to be in possession of the land in question pending disposal of the appeal.

Subject to above directions, the Writ Petition is disposed of. No costs.

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R. SUBHASH REDDY, J

13th DECEMBER, 2007.
Note:Issue Wire at party's costs.
(B/o)
Tsr